

**COUNCIL WORK SESSION
MONDAY, MAY 2, 2011**

6:30 P.M. PROMPT

- **EXECUTIVE SESSION** - Personnel
 - Clerk of Council

- **DISCUSSION OF AGENDA** -

- **DISCUSSION OF RE-APPOINTMENTS** -
 - Planning Commission - Helen Briggs
 - BZA - Jim Wagner
 - BZA – John Trzeciak

Bedford, Ohio

May 2, 2011

Bedford City Council met in a work session at Bedford City Hall on Monday, May 2, 2011 at 6:30 p.m.

Present: Council Members: Mayor Daniel Pocek, Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Donald Saunders, Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Hank Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi, Economic Development Director Mike Mallis.

Absent: None.

At 6:30 p.m., Bedford City Council, City Manager Hank Angelo, Law Director Ken Schuman, Finance Director Frank Gambosi went into an executive session to discuss personnel regarding the Clerk of Council.

At the conclusion of this discussion the remaining staff was invited into the caucus room. The executive session adjourned at 7:00 p.m.

Mayor Pocek began discussion of the Regular Council Meeting agenda.

Council agreed they had no changes to the minutes that were on the agenda this evening.

Ordinance No. 8829-11 was an ordinance authorizing the City Manager to enter into an agreement with Eaton Corporation to perform energy audits of municipal owned buildings in the amount of \$31,340. Mr. Mallis explained that NOPEC should have released those monies first instead of putting the cart before the horse. He thought Eaton Corporation was the best choice because their bid was lower than the \$40,000 grant and this would allow the City some flexibility with the additional funds. He stated URS and Osborn both came in at \$40,000 each. He pointed out Ellenwood was in need of doors, windows and the boiler heating needed updated plus the Service Garage needed attention as well. Mr. Batten figured any boiler system should last 30 years. Mr. Mallis felt the study would show both of these facilities the worst of all the City buildings. He knew of other cities using the NOPEC funds for upgrades for LED lights and other needs. He explained the money could be used for lighting but it had to be energy efficient lighting. He said all the grant money would be well spent.

Mr. Gambosi said he would let the County know the balance of the money because the City got to keep the balance. Everyone was in agreement on this piece of legislation.

Ordinance No. 8830-11 provided a fee schedule of the Bedford Municipal Pool that would go in effect this summer. Mr. Angelo explained it was very difficult to define what a family was these days. The proposed changes were as follows: Family Pass was \$75.00 for a family of four (4) members and \$15 for each additional family member, House Guest Pass was \$10 per week or \$50 for the season, Swim Lessons was \$20 or \$50 for three (3) or more family members. Mr. Koci read the section that addressed "house guests" and questioned the amounts. Mr. Angelo stressed it was still a bargain and the current rates would apply if a resident applied today and the newer rates would go in effect after the legislation was addressed by Council. Mr. Batten suggested the City eliminate the family pass and charge per person. Mayor Pocek commented that there was a history of family passes in Bedford. Council was in favor of passing the legislation as presented.

Ordinance No. 8831-11 was an ordinance authorizing the City Manager to enter into a contract with DeVore Technologies Inc. for the amount of \$742.50. Mr. Gambosi explained he might have to continue to come back every month until everything was completed with the new computer system. After everything was done then there would be a monthly fee of \$3,500. Mr. Saunders thought instead of Council passing legislation every month why didn't Council pass an ordinance with a "not to exceed" clause. It was decided that Mr. Gambosi would come before Council on an as needed basis.

Ordinance No. 8832-11 was an ordinance authorizing the City Manager to enter into a purchase agreement with Patrick Moran for the purchase of 559 Darlington Road in the amount of \$5,500. Mr. Angelo explained some of the other houses were advertised and sold as being violation free but were sold "as is". Mr. Schuman thought a statement made as "as is" was exactly that "as is". Mr. Angelo said if the City fixed it then it should be violation free. It was made clear that the City Manager and the Law Director disagreed on the definition of "as is". Mr. Pozar thought each house should be considered as a "case by case" situation. The two (2) house purchase agreements this evening were different than the other homes that were sold before and the house was sold "as is" and the buyer would have to bring it up to code within a certain amount of time. Mr. Batten noted the buyer would be responsible to bring it up to code on their own expense. Mr. Saunders asked if the buyer could have the house demolished and build a new home on the lot. Mr. Angelo replied, yes.

Ordinance No. 8833-11 was an ordinance authorizing the City Manager to enter into a purchase agreement with Dianne Wilmore for the purchase of 564 Heather Lane in the amount of \$27,500. Again this home was sold "as is" and the buyer would have to bring it up to code at their expense.

The motion to schedule the 2011 summer meetings to be held on June 6th, July 11th and August 22nd was discussed briefly and the result was Mr. Koci would be absent for the July 11th meeting. He requested the meeting date be moved to July 18th. Council chose not to change the date. Mr. Koci asked to be excused and he commented that he really hated to miss a meeting.

The motion to schedule the first Council meeting of September to September 6th was not a problem and everyone was in favor of the date.

Discussion of the re-appointments of Helen Briggs to the Planning Commission, Jim Wagner and John Trzeciak to the Board of Zoning Appeals was welcomed by all of Council. Mayor Pock requested this topic be added to this evening's agenda as item H. Council was in favor of amending the agenda.

Discussion of the Regular Meeting Agenda was concluded.

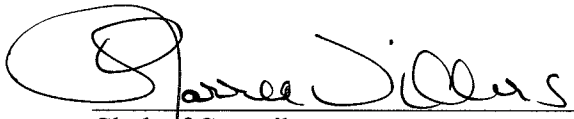
Mrs. Zolata expressed she was not in favor of cutting down any healthy trees. She thought the money that was being spent on the City tree removal project should be put to better use as flooding.

Mr. Saunders was asked by two (2) residents if the Police Department was using the license plate scanners. Mr. Angelo was not sure if the officers were still using it and he was not sure if anyone had been caught by any officer here.

Mr. Koci wanted to know if Safely Home submitted monthly reports. Mr. Angelo replied, yes.

No other members of Council had any items to discuss.

At 7:55 p.m., Bedford City Council adjourned to conduct regular Council meeting.



Clerk of Council



Mayor – President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: May 2, 2011

AGENDA

TIME: 8:00 P.M.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Wards 1 & 2 Meeting of March 28, 2011
- b. Approval of Minutes of the Work Session of April 18, 2011
- c. Approval of Minutes of the Regular Meeting of April 18, 2011

5. **SWEARING-IN**

- a. Swearing-in of Michael Stask as Sergeant of the Bedford Police Department

6. **REPORTS**

- a. City Manager
- b. Law Director
- c. Finance Director
- d. Council Reports

7. **NEW BUSINESS**

- a. Ordinance No. 8829-11, authorizing the City Manager to enter into an agreement with Eaton Corporation to perform energy audits of municipal owned buildings (\$31,340)
- b. Ordinance No. 8830-11, providing a fee schedule for the Bedford Municipal Pool
- c. Ordinance No. 8831-11, authorizing the City Manager to enter into a contract with DeVore Technologies Inc. (\$742.50)
- d. Ordinance No. 8832-11, authorizing the City Manager to enter into a purchase agreement with Patrick Moran for the purchase of 559 Darlington Road (\$5,500.00)
- e. Ordinance No. 8833-11, authorizing the City Manager to enter into a purchase agreement with Dianne Wilmore for the purchase of 564 Heather Lane (\$27,500.00)
- f. Motion to schedule the 2011 summer meetings to be held on June 6th, July 11th and August 22nd
- g. Motion to schedule the first Council meeting of September to September 6th at 8:00 p.m.

8. **HEARING OF CITIZENS**

9. **ADJOURNMENT**

PLEASE **TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING**
(Council minutes and agenda posted at www.bedfordoh.gov)

Bedford, Ohio

May 2, 2011

Bedford City Council met in regular session at Bedford City Hall on Monday, May 2, 2011. Mayor Pocek called the meeting to order at 8:00 P.M.

The Mayor asked at the end of the pledge of allegiance for a moment of silence in memory of all the people that lost their lives in the War on Terror considering the momentous events of yesterday. He referred to a quote of Winston Churchill when he was asked if this was the beginning or the end of World War II and his quote was "I don't know about the beginning of the end but it is the end of the beginning." He thought everyone was extremely proud of our armed forces for the job they accomplished on May 1, 2011 and the jobs the armed forces do everyday. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar.

Motion made by Batten and seconded by Koci to approve the minutes of the Ward 1 & 2 meeting of March 28, 2011. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizensak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizensak and seconded by Pozar to approve the minutes of the work session meeting of April 18, 2011. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizensak, Pocek. Mr. Saunders abstained [because he was absent for this meeting.] Nays: None. Motion carried unanimously.

Motion made by Mizensak and seconded by Pozar to approve the minutes of the regular meeting of April 18, 2011. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizensak, Pocek. Mr. Saunders abstained [because he was absent for this meeting.] Nays: None. Motion carried unanimously.

Michael Stask was sworn in as Sergeant of the Bedford Police Department by City Manager Henry Angelo.

No report from the City Manager.

No report from the Law Director.

No report from the Finance Director.

No report from Councilman Saunders.

Councilman Pozar commented on the Navy Seal t-shirt he once had that read "It's GODS job to judge Bin Laden and it's our job to arrange the meeting" He had no other comments.

Councilwoman Mizensak said she was out in the neighborhood and she reported most of her constituents were very, very pleased with the City. She added the new people that have purchased homes in the City have done a beautiful job of fixing them up. She said people were here to stay because they like it here because there was no problem with the quality of life in Bedford.

Mayor Pocek announced that Ariella Brown, Staff Assistant/Science & Technology Liaison for Veterans Benefits Resource Fair was our guest this evening. She inform everyone that the congresswoman was hosting in conjunction with TRI-C Eastern Campus on Friday, 10:00 a.m. to 3:00 p.m. Mr. Pozar said in conjunction with veteran's resources he heard that the State of Ohio had allocated money for veterans that had served in either Iraq, the Gulf War or in Afghanistan in the amount

of \$100 per month and he wanted information on how to apply for this. Ms. Brown said she would follow-up and make sure he got the information.

Councilwoman Zolata thought the banners in the City looked very nice. She explained the murals that Sylvia Heller had painted which would be displayed at the City gazebo the day of the Memorial Day Parade. She added the paintings then would be dedicated to the VFW and will be displayed on the south wall of the building. She thanked the Police Department for their efforts on the litter problems. She said it was important for everyone to keep their dog on leashes. She said the Interstate playground needed to be spruced up but she also understood this was going to be addressed soon.

Councilman Koci asked the City Manager to request police patrols for speeders on Archer Road because he had received a few complaints. He too, was very impressed with Sylvia Heller's paintings.

Councilman Batten noted that there were eight (8) citations written for speeders doing 40 mph on Grand Blvd. last week. He added there were going to be patrols on Willard Street this week.

The Mayor requested a motion to add an item to this evening's agenda as the letter H to re-appoint Helen Briggs to the Planning Commission, Jim Wagner and John Trzeciak to the Board of Zoning Appeals.

Motion made by Zolata and seconded by Koci to add letter H to this evening's agenda. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8829-11, an ordinance authorizing the City Manager to enter into an agreement with Eaton Corporation and declaring an emergency was read by title only. Motion made by Batten and seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to place Ordinance No. 8829-11 on third and final reading and passed.

Mr. Angelo explained the City had applied for a \$40,000 Energy Audit Grant from the County, which had certain criteria of the applicants. He added the City also had a \$144,000 NOPEC Grant but it was almost like the County put the cart before the horse because the energy audit would have been nice prior to the NOPEC funds. The City had already started the program work out of the NOPEC fund. He added this ordinance would allow the City to complete the remainder of the audit. He said there were three (3) bids submitted to the City and Eaton Corporation was awarded the bid because they were the best, most reasonable, and most qualified. He recommended passage of this ordinance.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO 8830-11, an ordinance providing a fee schedule for the Bedford Municipal Pool and declaring an emergency was read by title only. Motion made by Pozar and seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Zolata and seconded by Koci to place Ordinance No. 8830-11 on third and final reading and passed.

Mr. Angelo explained that 90% of the fees had not been changed on the exhibit but the change would allow house guests to enjoy the pool. He added it was difficult to verify what was defined as "a family" and this would give the City latitude plus it also increased the fees minimally. He recommends passage and thanked Council for the discussions on this matter.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8831-11, an ordinance authorizing the City Manager to enter into an agreement with DeVore Technologies for various computer maintenance repairs and declaring an emergency was read by title only. Motion made by Batten and seconded by Mizesak to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Saunders and seconded by Zolata to place Ordinance No. 8831-11 on third and final reading and passed.

Mr. Gambosi explained there had been nine (9) ordinances previously passed but there will still need to be ordinances monthly for needed repairs until all departments are migrated onto the new system, which would be \$3,500 a month.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

ORDINANCE NO. 8832-11, an ordinance authorizing the City Manager to execute a purchase agreement with Patrick Moran selling the residence at 559 Darlington Road, Bedford, Ohio and declaring an emergency was read by title only. Motion made by Zolata and seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days.

Mr. Angelo explained this house was sold for \$5,500 because this was a result of a lot of give and take between Council and the Administration. Council thought instead of tearing it down it would be best to try and get some money out of it. He added it would cost approximately \$6,000 to have it demolished. He said the buyer had eight (8) months to get the house up to code and with the buyer paying for the upgrades the City wasn't investing any money in the property. He added the City had purchased the property for \$1.00 and the additional money would be returned to the General Fund.

The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizesak and seconded by Saunders to place Ordinance No. 8832-11 on third and final reading and passed. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously. The Mayor noted this was the same situation for the next ordinance.

ORDINANCE NO. 8833-11, an ordinance authorizing the City Manager to execute a purchase agreement with Dianne Wilmore selling the residence at 564 Heather Lane, Bedford, Ohio and declaring an emergency was read by title only. Motion made by Zolata and seconded by Batten to suspend the rule requiring the reading of said ordinance on three different days.

Motion made by Saunders and seconded by Zolata to place Ordinance No. 8833-11 on third and final reading and passed. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

It was determined that the new buyers signed an agreement to bring both of these houses to code and both of the new buyers purchased the homes to live in the City.

Motion made by Mizesak and seconded by Saunders to schedule the 2011 summer meetings to be held on June 6th, July 11th and August 22nd. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously. Mr. Koci mentioned he would not be in attendance for the July 11, 2011 meeting.

Motion made by Zolata and seconded by Batten to schedule the first Council meeting of September to September 6th at 8:00 p.m. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Motion made by Koci and seconded by Pozar to re-appoint Helen Briggs to the Planning Commission, Jim Wagner and John Trzeciak both to the Board of Zoning Appeals. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizesak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Mayor Pocek said that would conclude the business portion of the meeting and asked if anyone in the audience had any comments.

Jean Sapir, Cuyahoga County Library, 70 Columbus Road said on May 3rd at 7:00 p.m. they had a program called Creative Sense of Well Being through the arts, which was a positive affect on your health. She invited the Council and the Administration to join them on May 21st at 2:00 p.m. for an afternoon tea with Mr. Dolf who was the author of the Ohio Amish mystery series books, which experienced the Amish culture. She said this Saturday, May 7, 2011 they will have team fencing for ages 11-18 years. She also added they would have the SAT's-vs-ACT's tests, which explained the difference between the tests. They also would have a job readiness program, which would help jobseekers. She said they would have a Hip Hop camp on May 18th and this program was funded by a grant. She informed everyone that if they had a smart phone they could access the library account.

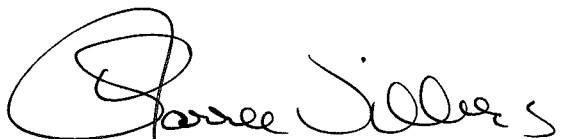
Dick Bender, 69 Wandle Avenue, Bedford, Ohio updated everyone from a previous meeting about the issue with his neighbor training their pit bulls in the middle of the street. He said the City Manager told him that if a resident was training their dog it had to be on their own property and not in the middle of the street. Mr. Angelo explained the Police officer went twice to make sure the dogs were properly registered with insurance and then the officers returned the second day to inform them of the City laws regarding the proper training of dogs.

Mr. Bender reported for Mr. O'Neil that he has a barking dog problem. He added the police were called and the officers told the dog owner to buy muzzles for both dogs. He was happy with the outcome. Mr. Angelo also added that the complaint Mr. O'Neil had at a previous meeting regarding the rental property next door to him had 23 court ordered appearances and the owner of the property doesn't show for court. There was discussion about the poor condition of the back yard appearance.

Mr. Bender pointed out the grass cutting problem on 147 Wandle Ave. Mr. Angelo said this had been addressed, however, with all the rain it's been difficult to cut the grass.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Koci and seconded by Mizsak to adjourn. The roll was called. Vote – Yeas: Saunders, Zolata, Batten, Koci, Mizsak, Pocek, Pozar. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:40 P.M.

A handwritten signature in cursive script, appearing to read "James Sanders", written over a horizontal line.

Clerk of Council

A handwritten signature in cursive script, appearing to read "Daniel S. Pocek", written over a horizontal line.

Mayor – President of Council